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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,440	09/08/2003	John V. Smith	7719-116	4712
36412	7590	03/17/2004	EXAMINER	
DUCKOR SPRADLING METZGER 401 WEST A STREET, SUITE 2400 SAN DIEGO, CA 92101-7915			CHANG, YEAN HSI	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,440

Applicant(s)

SMITH ET AL.

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030908</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to be understood by the examiner. For example, the following items are not understood: In page 6, [0026] and page 11, [0048], D_r (depth of the rack housing) is equal to $2D_b(t)$, where D_b is the depth of an electronic component, and t is the thickness of the power distribution unit.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 2, it claims the depth of the rack housing D_r is equal to $2 D_b(t)$, where D_b is the electronic component, and t is the thickness of the power distribution unit. D_r has a dimension of a length and $D_b(t)$ has a dimension of an area. They couldn't be equal to each other. Clarification is required.

4. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 10, "the lower one of said openings is located at a height H_h equal to 0.46 inch" needs a reference point for locating the opening. Modification is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casanova et al. (US 5,031,075).

Casanova teaches an electronic component rack assembly comprising:

- A rack housing (20, fig. 2) having a width W_r (claim 1)
- A group of N number of electronic components (42, fig. 2) mounted side-by-side, upright in a series of spaced-apart vertical planes on the rack housing (shown in fig. 2), said components being spaced apart by a distance W_b (claim 1)
- Another group of N number of electronic components mounted side-by-side upright in a series of spaced-apart vertical planes on the rack housing opposite to the first-mentioned group of components in a back-to-back registration (shown in figs. 2 and 3) (claim 2)
- A power distribution unit (38, fig. 2) extending transversely to said vertical planes between the first-mentioned and second electronic components to provide electrical power thereto (one function of a backplane), said unit having a series of N number of spaced-apart outlets (shown in figs. 3 and 4, not labeled) for supplying electrical power to individual ones of the electronic components, each of said outlets being spaced from a holder (26, fig. 3) for its electronic component by a distance s (not shown) (claims 2 and 5)
- Each of said electronic components has a height equal to H_b (shown in fig. 3) (claim 3)

- Wherein said rack housing includes a series of pairs of upper and lower component guides (26 and 28, fig. 3), said guides being spaced apart by a distance W_b (shown in fig. 2, not labeled) (claim 4)
- Wherein said rack includes a series of pairs of vertically spaced-apart latch openings (only on the edge of 28 are shown in fig. 2, not labeled), for helping to secure said components releasably to said rack, each one of said pairs of openings being disposed in vertical alignment with an outlet (obvious feature not shown) (claim 6)
- Depth of electronic component being D_b (claim 7)
- Wherein the upper one of said openings is located at a height H_p relative to said unit outlet (claim 8)
- Wherein said openings are spaced horizontally from guides by a spacing Sh (claim 9)
- Wherein the lower one of said openings is located at a height H_h (claim 10)
- A method of making an electronic component rack assembly being disclosed in the specification (claim 12)

Casanova fails to teach $W_r \approx 24"$, $W_b \approx 1.93"$, $D_b = 16.8"$, $H_b \approx 19.38"$, $H_p = 1.344"$, $Sh = 0.95"$, $H_h = 0.46"$, $Dr = 2D_b(t)$, and the depth of the assembly is between about 36" and about 38". It would have been obvious to one having ordinary skill in the art at the time the invention was made to select an appropriate value for the above mentioned dimensions for the device of Casanova, since such a modification would have involved a mere change in the size of a component or part. A change in size is

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generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

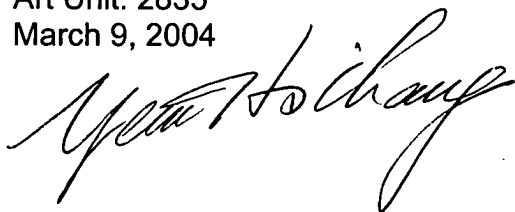
Correspondence

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 for regular communications and for After Final communications. There are RightFax numbers and provide the fax sender with an auto-reply fax verifying receipt by the USPTO: Before-Final (703-872-9318) and After-Final (703-872-9319).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Patent Examiner
Art Unit: 2835
March 9, 2004

A handwritten signature in black ink, appearing to read 'Yean Hsi Chang', written in a cursive style.